

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WENDELL TANGARO,	)	CIVIL NO. 03-00211 JMS/LEK
)	
Plaintiff,	)	PLAINTIFF'S MOTION TO EX-
	)	TEND DEADLINE FOR MOTIONS
vs.	)	TO JOIN ADDITIONAL PARTIES,
	)	AND FOR LEAVE TO FILE FIRST
JOSEPH BOTELHO, COUNTY OF	)	AMENDED COMPLAINT;
HAWAI'I, AND JOHN DOES 1-10,	)	AFFIDAVIT OF ERIC A. SEITZ;
	)	EXHIBITS 1-7; CERTIFICATE OF
Defendants.	)	SERVICE
)	
	)	Trial: October 3, 2006

AFFIDAVIT OF ERIC A. SEITZ

STATE OF HAWAI'I)
)
) SS:
CITY AND COUNTY OF HONOLULU)

ERIC A. SEITZ, being first duly sworn on oath, deposes and says:

(1) I am the principal attorney for Plaintiff Wendell Tangaro in the above entitled matter and was the attorney for Defendant Wendell Tangaro in State of Hawaii vs. Wendell Tangaro, Criminal No. 05-1-0080.

(2) Attached hereto as Exhibits 1, 2 and 3 are true and correct copies of excerpts of the "Internal Shooting Review: Officer Joseph Botelho Jr." prepared by the Hawaii County Police Department which was obtained in discovery in the above entitled matter.

(3) Attached hereto as Exhibit 4 is a true and correct copy of “Plaintiff’s Response to Defendants Joseph Botelho and County of Hawai’i’s First Request for Answers to Interrogatories and Request for Production of Documents to Plaintiff Wendell Tangaro” in the above entitled matter.

(4) Pursuant to the “Amended Rule 16 Scheduling Order” filed herein on January 12, 2005, trial in the instant civil rights action was scheduled to commence on June 28, 2005.

(5) Attached hereto as Exhibit 5 is a true and correct copy of the “Indictment” in Criminal No. 05-1-0080 obtained by Jay T. Kimura, Prosecuting Attorney for the County of Hawaii on March 24, 2005.

(6) As a result of Mr. Tangaro’s indictment in Criminal No. 05-1-0080 a scheduling conference was convened by the U.S. District Court for the District of Hawaii at which time the trial date for Mr. Tangaro’s civil rights case in the above entitled matter was vacated in order to protect Mr. Tangaro’s Fifth Amendment rights in the prosecution of the criminal indictment in Criminal No. 05-1-0080.

(7) Attached hereto as Exhibit 6 is a true and correct copy of the “Judgment of Acquittal” entered by the Circuit Court of the Third Circuit, State of Hawaii in Criminal No. 05-1-0080 on June 2, 2006.

(8) Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff's First Amended Complaint for Damages.

(9) The Defendants have had sufficient notice of the circumstances surrounding Plaintiff's injuries and will not be prejudiced by the proposed amendment.

(10) Plaintiff's Motion is filed in good faith and not for the purpose of unnecessary delay.

/s/ Eric A. Seitz
ERIC A. SEITZ

Subscribed and sworn to before
me this 24th of July, 2006.

/s/ Juli T. Seitz
Juli T. Seitz
Notary Public, State of Hawai'i
My Commission Expires: Jan 4, 2008